

**FAX COVER SHEET**

TO: WILLIAM F. CATON, ACTING SECRETARY	FROM: BILL MAZILLY
FIRM: FEDERAL COMMUNICATIONS COMMISSION	NUMBER OF PAGES: 1
DEPT.:	DATE: 07/01/97
FAX NUMBER: (202) 418-2801	CC:

LETTER ATTACHED.

Bill Caton

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JUL - 9 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

via: FAX and US mail

DOCKET FILE COPY ORIGINAL

June 30, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Re: WT Docket 97-82

Dear Mr. Caton,

When the FCC took the bold step a few years ago of creating competition in the wireless industry by creating the Entrepreneur's Block in the PCS auctions, I joined with many others in applauding this action. I am, like many of the other people in the C&F block, an entrepreneur. I provide deployment services to the industry. I'm sure my story can be retold numbers of times by a vast number of people, but the reason my company exists today is because your strategy on the PCS auctions caused opportunity for bidders and service providers alike. Your actions gave small companies like mine a chance to play a role in this new PCS frontier. Even though we were small... we, and others like us, could participate!

I am writing to express my support for the debt restructuring solution that is being proposed by many of the DEs at this time. Our industry doesn't need a reauctioning of these C block licenses, instead we need to give these entrepreneurs support to weather the storm and survive these difficult financial times. A statement by the FCC in support of these entrepreneurs will give the financial community the comfort that they are seeking. Limiting the entrepreneurs' payments to the government in the early years of system buildout will allow them to concentrate on deploying their network and will allow the government to fully collect on the auction amounts. Its a win-win for all of us.

Please stay the course! Don't lose this opportunity to complete what you set out to accomplish when you created the entrepreneurs' block.

William L. Mazilly

President

Carlson Technologies, Inc.

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WT 97-82

WFB

July 7, 1997

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Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

JUL - 9 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Fax to: (202) 418-2801

Dear Chairman Hundt,

USTEL, Inc. is a publicly owned facilities-based long distance company about to enter the wireless marketplace through the acquisition of Pacific Cellular in Las Vegas. Pacific Cellular is a reseller of cellular airtime for both 360 Degree Communications and AT&T, the cellular carriers in this area.

This letter is being sent to the commissioners of the FCC to indicate the extent to which the forthcoming proceedings to consider the potential restructuring of the PCS C and F-Block installment payment issues will affect USTEL and other similar companies attempting to compete in this industry.

Nevada Bell, a division of Pacific Telesis, is the only PCS carrier operating in Las Vegas. Pacific Cellular has approached Nevada Bell with a request to function as a reseller of their services since the beginning of 1997. Initially, the request was denied on the basis that a "reseller program" had not yet been instituted and that such a program would be implemented in the near future.

Such a program has not been implemented as of this date and does not appear to be on their agenda for the foreseeable future. The most recent communication from Nevada Bell was that they did not share our interpretation of the 1996 Telecommunications Reform Act regarding their obligation to enter into such an agreement with a qualified company such as Pacific Cellular.

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Page 2

Pacific Cellular filed a complaint with the FCC and the PSC and both agencies have asked Nevada Bell to respond. While these proceedings wind their way through the bureaucratic processes, Nevada Bell continues to benefit from their status as the only PCS carrier in Nevada and Pacific Cellular is faced with customer attrition as a result.

This is clearly in violation of the spirit of the 1996 Act and short of prompt and decisive action by regulatory agencies, Pacific Cellular can only hope for the time-tested and proven effects of our economic system to save the day. This system demands open and fair competition and a decision to allow companies such as NextWave Telecom, Inc., to survive is critical to Pacific Cellular's survival as well.

The Commission should take into consideration that complaints from incumbent wireless carriers and unsuccessful C-Block bidders will serve to benefit anti-competitive interests and the public will lose.

Congress did not pass the 1996 Act to reduce the federal deficit. The purpose of the Act was to foster competition in the industry with the prime benefits accruing to the general public. Unless the spectrum debt by C and F-Block bidders is restructured to allow them to survive, the only beneficiaries will be the large entities which thrive on reduced competition.

USTEL and Pacific Cellular are small businesses that do not request anything from the federal government other than the right to compete.

Thank you for your consideration.

Sincerely,



Robert L. B. Diener
Chairman and C.E.O.

cc: Lyn Daniels, Pacific Bell
Jeff Galloway, Nevada Public Service Commission
All FCC Commissioners

ComSites USA, Inc.
11545 West Bernardo Court, Suite 304
San Diego, CA 92127
(619) 451-0524
(619) 451-1169 (Fax)

**FACSIMILE TRANSMITTAL
COVER SHEET**

DATE: July 7, 1997
TO: Chairman Reed E. Hundt
FAX NO: (202) 418-2801
FROM: Ron E. Douglas
PAGES : 2 (including cover page)

If you do not receive the entire facsimile transmission, please call
(619) 451-0524 and ask for the assistant to the undersigned.

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**ComSites USA, Inc.**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WT 97-82

WTB

July 7, 1997

Via Facsimile (202) 418-2801 & U.S. Mail

*Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street NW Room 814
Washington D.C. 20554*

Dear Mr. Hundt:

ComSites USA, Inc. is an entrepreneurial company serving the communications industry as a site provider throughout the United States.

This letter is written in support of a definitive recasting of the debt terms most particularly with regards to the PCS band of licenses granted to C and F block auction winners.

We support these, by auction definition, small business entrepreneurial companies. They, like our firm, need practical third party debt and equity structuring to permit their business plans to evolve as they access consumers of their services.

In our opinion, as a provider to the communications industry, the FCC must act quickly and decisively in recognizing the financial difficulties of many of these entrepreneurial block winners. We remain confident that the FCC will address the multiple issues at hand and thereby continue its support of small businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron E. Douglas".

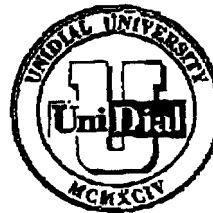
*Ron E. Douglas
President*

RED/aa

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Facsimile Transmittal Page



Executive Office

9931 Corporate Campus Drive
Suite 3000
Louisville, Kentucky 40223
(502) 394-0789 phone
(502) 426-2257 fax

DATE: 07/07/97

TO: Chairman Reed Hundt

FAX: 202 418 2801

FROM: Jack Roth

of pages including this page: 3

MESSAGE: for your immediate review.

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 12910 Shelbyville Road
 Suite 211
 Louisville, KY 40243
 Phone 502/244-6666
 Fax 502/244-6222

July 2, 1997

 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Chairman Reed E. Hundt
 Federal Communications Commission
 1919 M Street, N.W.
 Room 814
 Washington, D.C. 20554
 Via Post and Fax: 202 418 2801

Re: Reply Comments to Docket WT 97-82

Dear Mr. Chairman,

UniDial Communications, based in Louisville, Kentucky, is a full-service telecommunications provider experiencing tremendous growth with the achievement of over \$100 million in revenues in just the few short years since its founding in 1993. Chief among the reasons for our success has been our ability to offer consumers a single source to a comprehensive portfolio of innovative telecommunications products utilizing the latest technologies at very competitive rates. UniDial distinguishes itself with a superior level of support provided by a vast distribution network of authorized agents cast across the nation, the result of which has been the creation over 6,000 jobs in virtually every Congressional district in the United States.

Success stories such as ours at UniDial depend on the ability of entrepreneurs to have the same access to state-of-the-art telecommunications services with the explosive growth potential of wireless as do the large, incumbent carriers. Competition breeds choices for consumers, higher quality services, lower prices and fuels the nation's economic engine. The well-documented benefits of competition are long overdue in the wireless and local access markets.

The FCC's intent to create this much-needed access competition through the establishment of the PCS band and, more importantly, with the designation of an Entrepreneur's Block, was a bold move for the public interest. We, at UniDial, urge the FCC to preserve the progress in wireless competition it has achieved to date by acting swiftly and decisively to restructure the debt of C and F block license holders. Remove the cloud of regulatory doubt that diminishes the prospects for financing by U.S. capital markets so these new operators can buildout quickly and begin serving the needs of American consumers. Absent any intervention by the FCC to help these fledgling companies establish themselves as viable alternatives to incumbent carriers, the auctions of the last several years will be relegated to costly exercises in maintaining the status quo, much to the detriment of consumers.

If the FCC falls short of its goal to create true competition, UniDial and other value-added telecommunications resellers like us, will be severely disadvantaged when competing against facilities-based carriers also serving the last mile. Our ability to develop, customize and package

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services to attract and retain customers requires access to carrier networks supporting flexible interconnection options and unbundled network elements if we are to achieve operating economies and remain competitive. These by-products of competition are imperative to our continued success at UniDial and to the continued success of our employee constituents.

Sincerely,



John E. Roth
Senior Vice President
Planning and Development
UniDial Communications

cc: Commissioner Rachelle Chong
Commissioner Susan Ness
Commissioner James Quello
Secretary William Caton



FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Chairman Reed E. Hundt	Darlene Morris for Roy Moore
COMPANY:	DATE:
Federal Communications Commission	July 3, 1997
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(202) 418-2801	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

See attached letter.

P.O. BOX 8597 FORT WORTH, TEXAS 76124-0597
1901 EAST LOOP 820 SOUTH FORT WORTH, TEXAS 76112-7895
(817) 457-3060 (817) 446-7095 FAX

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WTP WT97-82

July 3, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Reed E. Hundt, Chairman
Federal Communications Commission
1919 M. Street NW, Room 814
Washington, D.C. 20554

Dear Mr. Hundt:

Please consider the following as you consider restructuring the C through F blocks:

- The FCC took the opportunity to create competition in the wireless industry, first by creating the personal communications services (PCS) band, but more importantly by establishing the Entrepreneur's Block.
- The first set of broadband PCS auctions yielded fewer than 20 licensees, most of whom were incumbent cellular carrier filling out existing footprints.
- The first Entrepreneur's Block, or C block auction, yielded more than 80 independent, entrepreneurial companies that plan to offer innovative wireless products and services to the American public. Small, entrepreneurial businesses are the engines of growth and innovation in most industries. In particular, the C block auction generated the potential for true competition, both facilities and non-facilities based in the wireless industry.
- Such competition will yield lower prices and better services for consumers. This new community of entrepreneurial PCS carriers is open to a new approach to wireless will not only bring numerous new competitors into each of its markets, but has created jobs in businesses that supply these carriers.
- Wireless entrepreneurs have not reached a critical stage of development. One year after the close of the C block auction, and two years behind big businesses that won their licenses at an earlier auction, they are facing difficult financial markets. Small businesses' access to capital is always limited, but after licensing delays, and the public markets' devaluation of wireless stocks, particularly new entrants' issues, these new entrants are particularly hard-pressed to access capital.
- These difficulties are reverberating throughout the industry - many small businesses who supply C block carrier are on hold, or worse, as well.

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Mr. Reed E. Hundt, Chairman
July 2, 1997
Page Two

- In recognition of the financial difficulties facing some of the entrepreneurs, on March 31, the FCC suspended payments for an unspecified time period. While this may have helped some in the short run, the uncertainty of the future payment schedule has made it even more difficult to seek domestic financing.
- The FCC is well aware of these difficulties and in its June 2 public notice requests input on several proposals to restructure C and F block debt, and thus ensure the promise of the Entrepreneurs' Block. Of the more than 60 comments the FCC has received thus far, the vast majority have been in favor of restructuring the debt.
- What is needed is swift, decisive FCC action that will limit entrepreneurs' payments to the government in the early years of system buildout and thus allow them to concentrate on constructing their networks.
- Because domestic capital will simply not be available until the uncertain regulatory situation is addressed, it is critical that the FCC send a clear signal in whatever regulatory process it adopts that the agency intends to address the debt restructuring situation quickly and decisively.
- Such action on the part of the FCC will give this new band of wireless entrepreneurs that opportunity to compete effectively and ensure the promise of the C block.

As a vendor, the restructuring is critical. Millions of dollars in infrastructure is not being spent because of the current debt repayment schedule. Jobs and tax revenue are at stake.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Roy J. Moore', is written over a horizontal line.

Roy J. Moore
Vice President, Marketing and Sales

RJM/djm



City of West Hollywood

Public Information/CATV Division
8300 Santa Monica Boulevard
West Hollywood, California 90069-4314

Telephone: (213) 848-6423
FAX: (213) 848-6561

Date: 7/3/97

To: Reed Hundt
FCC Chairman

FAX: 202/418-2801

Number of Pages Sent (including FAX transmittal form): 2

From: Helen J. Goss, APR

Telephone: 213-848-6461

If you do not receive the correct number of pages, please call me at the telephone number above.

Message:

**CITY OF
WEST HOLLYWOOD**

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WT 97-82

CSB

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-4314
TEL (213) 848-6427
FAX (213) 848-6562

**OFFICE OF THE
CITY MANAGER**

July 3, 1997

The Honorable Reed Hundt
Chairman, Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: TCI Cablevision of Oakland County (City of Troy). Case CSR-4790

Dear Chairman Hundt:

Please reject the claims the cable companies have made in this case. We believe the cable companies are wrong on the merits and Congress has limited the FCC's jurisdiction over the right-of-way and franchise fee matters that are at issue in the case.

The 1996 Telecommunications Act preserved local authority in the franchising, management and control of the rights-of-way. It preserved municipalities' right to receive fair compensation in the form of franchise fees from telecommunications companies. And, consequently, it took away the Commission's jurisdiction over these matters.

The cable companies ignore these provisions in order to allow them to provide telephone service under their cable franchise. This is not what Congress intended -- although it preempted cable franchise provisions that might prevent a cable company from providing telephone service, cable companies still have to get a local telephone franchise, just like any other would-be telecommunications provider. This makes sense because cable companies will have to greatly expand their cable systems in order to provide telephone service. Cable service generally extends only to residential areas, while telephone service goes everywhere. Cable companies will have to build millions of miles of new lines in public streets in commercial and industrial areas where they don't presently serve in order to provide telephone service. They need appropriate local approval to do this, just like any other telephone company. This is what the Act says.

TCI also attacks the franchise fees that local authorities charge telephone companies as rental for use of their rights-of-way. TCI argues that telephone franchise fees computed on a percentage of revenue basis is improper, even though this method has been used in many states for decades. There is no basis in the Act for such a challenge.

For these reasons, please follow the 1996 Act and rule against the cable operators by dismissing this case.

Sincerely,

Helen J. Goss, APR

Public Information/CATV Manager, City of West Hollywood

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facsimile

TRANSMITTAL

to: The Honorable Reed Hundt, Chairman
fax #: 202-418-2801
re: FCC Case No CSR-4790
date: July 1, 1997
pages: 4, including cover sheet.

The original of this letter is being mailed to you today, along with the copies to the individuals listed.

From the desk of...

Darlene Cornell
City Manager's Office
City of Eau Claire
203 South Farwell
Eau Claire, WI 54701

715 839-4902
Fax: 715 839-6177

WT97-82

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CITY OF EAU CLAIRE

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Office of the City Manager
(715) 839-4902

June 30, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Re: TCI Cablevision of Oakland County (City of Troy, MI)
FCC Case No: CSR-4790

Dear Chairman Hundt:

I am the City Manager of the City of Eau Claire, Wisconsin. I wish to share with you the following thoughts regarding the above matter pending before the Commission.

It is my opinion that the Commission is required to reject the cable companies' claims in this case. The companies' position on the merits is erroneous. Further, I am concerned about the contention that the FCC has been granted jurisdiction over local rights of way and franchise fees as has been claimed here.

As you know, the 1996 Telecommunications Act contained provisions sustaining local authority over local rights of way. It also affirmed the right of a municipality to impose appropriate franchise fees. At the same time, the Commission was deprived of jurisdiction over these matters of local concern.

Yet it appears that cable companies are attempting to subvert these provisions so they can offer telephone service under the terms of their franchise for cable television. Under the 1996 Act, a cable company must still obtain a local telephone franchise the same as any other provider under similar circumstances.

I believe that the municipalities in this nation must be permitted to control their streets. Let the cable companies obtain local approval to utilize the local streets just the same as any telephone company. There is no reason for them to be exempted from such a requirement. Furthermore, that is precisely what is provided in the 1996 Act.

Similarly, there is no basis in the 1996 Act for a challenge to the collection of franchise fees (imposed for rental of the local right of way) simply because they are calculated based on gross revenue. This is a common method of calculating franchise fees. The 1996 Act explicitly deprived the Commission of jurisdiction over this question of franchise fees.

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The Honorable Reed Hundt

June 30, 1997

Page 2

I strongly urge the Commission to issue a determination which is consistent with the terms of the 1996 Act and issue a ruling in favor of Troy and against the cable operators. I ask that you dismiss this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Norrell", written in a cursive style.

Don Norrell
City Manager

cc: Copies to individuals on attached list

Commissioner Susan Ness
Federal Communications Commission
Room 832
1919 M Street, NW
Washington, DC 20554

Commissioner James Quello
Federal Communications Commission
Room 802
1919 M Street, NW
Washington, DC 20554

Commissioner Rachelle Chong
Federal Communications Commission
Room 844
1919 M Street, NW
Washington, DC 20554

Mr. Blair Levin
Chief of Staff
Office of Chairman Hundt
Federal Communications Commission
Room 814
1919 M Street, NW
Washington, DC 20554

Ms. Marsha MacBride
Legal Advisor
Federal Communications Commission
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Ms. Suzanne Toller
Special Advisor
Federal Communications Commission
Room 844
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Ms. Anita Wallgren
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